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ORDINANCE NO. 47-030

AN ORDINANCE AMENDING SECTION 7.41.030, CREATING SECTIONS 7.41.042, 7.41.043 AND 7.41.045, OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO NOISE, AND REPEALING THE ORIGINAL OF SECTION 7.41.030.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Section 7.41.030 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

Excessive noise levels. (a) A noise measured or registered as provided herein from any source not exempted by this chapter at a level which is equal to or in excess of the db(A) established for the time period and zones listed below or that exceeds the background level by five db(A), whichever is greater, is declared to be excessive, unusual, loud and unnecessary, for the purposes of Section 7.41.010:

Zone	8:00 a.m. to next 10:00 p.m.	10:00 p.m. to next 8:00 a.m.
Residential	55 db(A)	50 db(A)
Commercial	60 db(A)	55 db(A)
Light industrial	70 db(A)	65 db(A)
Industrial	80 db(A)	75 db(A)
Zone	5:00 a.m. to next 10:00 p.m.	10:00 p.m. to next Midnight
Parks	60 db(A)	55db(A)

Old Town district as set forth in subsection (b)

Background noise means noise from all sources other than that under specific consideration, including traffic operating on public thoroughfares, and is established by measuring the noise level over a fifteen-minute period of time.

(b) The noise levels for subsection (a) of this section shall be modified for the Old Town district as follows:

(1) Noise levels may exceed background levels by five db(A) to a maximum of eighty db(A).

(2) Noise levels shall be measured from the outside property line when measurements are being made of an activity on a property other than streets or public right-of-way.

(3) Noise levels under this section may be increased or waived for specific special events when approved in advance by the city manager under procedures adopted by the city council.

(c) For purposes of this section, the aforementioned zones shall be defined as follows:

(1) "Residential" means an area of single or multifamily dwellings where businesses may or may not be conducted in such dwellings. The zone includes areas where multiple unit dwellings, high-rise apartment districts and redevelopment districts are located. A residential zone may include areas containing accommodations for transients such as motels and hotels and residential areas with limited office development, but it may not include retail shopping facilities.

"Residential" zone includes educational facilities, hospitals, nursing homes and similar institutions.

(2) "Commercial" means an area where offices, clinics and the facilities needed to serve them are located; an area with local shopping and service establishments located within walking distances of the residents served; a tourist-oriented area where hotels, motels and gasoline stations are located; a large integrated regional shopping center; a business trip along a main street containing offices, retail businesses and commercial enterprises; a central business district; or a commercially dominated area with multiple unit dwellings.

(3) "Light industrial" means an area containing clean and quiet research laboratories, an area containing light industrial activities which are clean and quiet; an area containing warehousing; or an area in which other activities are conducted where the general environment is free from concentrated industrial activity.

(4) "Industrial" means an area in which noise restrictions on industry are necessary to protect the value of adjacent properties for other economic activity, but shall not include agricultural operation.

(5) "Old Town district" means the Old Town overlay district as defined in the zoning code.

(6) "Parks" means any public park, recreational facility or other property under the ownership, jurisdiction or control of the Board of Park Commissioners of the City of Wichita or the City of Wichita.

(7) Adjacent Zones. When a noise source can be measured from more than one zone, the permissible sound level of the more restrictive zone shall govern.”

SECTION 2. Section 7.41.042 of the Code of the City of Wichita, Kansas, shall read as follows:

"Application. To receive written authorization for the use of sound amplification equipment as authorized by Sections 7.41.010(b)(1) and 7.41.030(b)(3), a person must complete and file an application for such authorization with the City Manager’s Office, on a form approved by the City.

The applicant must provide the following information:

- (1) The type of proposed event or activity;
- (2) The number of participants for the proposed event or activity;
- (3) The location, including street address of the area to be utilized for the activity;
- (4) The date or dates and specific times for the activity;
- (5) The plans for sound control and sound amplification, including the number, location and power of amplifiers and speakers.
- (6) The name, address and phone number of the party responsible for the event.”

SECTION 3. Section 7.41.043 of the Code of the City of Wichita, Kansas, shall read as follows:

"Review Process. a) In determining if written authorization should be granted as allowed by Sections 7.41.010(b)(1) and 7.41.030(b)(3) of

the Code of the City of Wichita, the following factors are to be considered by the City Manager or his designee:

- (1) The volume of the noise;
 - (2) The volume of the existing background noise, if any;
 - (3) The zoning of the area within which the noise emanates, as well as where the noise can be heard;
 - (4) The time of the day or night the noise occurs;
 - (5) The duration of the noise;
- (b) No authorization may be issued for the use of sound amplifiers, loud speakers or other similar devices between the hours of 10:00 p.m. and 8:00 a.m. Sunday through Thursday and the hours of 11:00 p.m. and 8:00 a.m. on Friday and Saturday.
- (c) No authorization may be issued for noise levels in excess of eighty db (A).”

SECTION 4. Section 7.41.045 of the Code of the City of Wichita, Kansas, shall read as follows:

“Appeal. Any person denied written authorization for the use of sound amplification devices shall have a right of appeal from the denial to the Wichita City Council by filing a written request therefor with the City Clerk. The notice of appeal must be filed with the City Clerk within ten days of the denial of such application and shall be heard at the next regularly scheduled City Council meeting. The City Council’s decision may be appealed to the Eighteenth Judicial District Court pursuant to K.S.A. 60-2101.”

SECTION 4. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this 16th day of May, 2006.

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary E. Rebenstorf
Director of Law